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DATE: April 8, 2005

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Name: U.S. Patent and Trademark Office

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Our Client No.: 4366-157

Your Ref.: Serial No. 10/676,659 filed 09-30-2003

Total Number of Pages, including this cover page: 20

Sender's Name: Douglas W. Swartz

MESSAGE:

Please see the attached (1) Seventh Supplemental Information Disclosure Statement, (2) PTO-1449, and (3) copies of the cited non-patent/foreign references to be filed in connection with the above-referenced patent application.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/676,659
Applicant : CHAVEZ et al.
Filed: : September 30, 2003
TC/A.U. : 2665
Examiner: : VU, HUY DUY
Docket No. : 4366-157
Customer No. : 48500
Title: : "METHOD AND APPARATUS FOR MIGRATING TO AN ALTERNATE CALL CONTROLLER"

<p align="center">CERTIFICATE OF FACSIMILE TRANSMISSION</p> <p>I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE TO (703) 872-9306 ON 4/8/05.</p> <p align="right">SHERIDAN ROSS P.C.</p> <p>BY: <u><i>Amy Duarte</i></u></p>

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited non-patent, unpublished patent application, and/or foreign references are enclosed herewith.

☒ Copies of the cited U.S. patents/patent application publications are not enclosed in accordance with the waivers dated July 11, 2003 and October 19, 2004, whereby patent applications filed, regardless of the filing date, need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications:

Serial No. _____ filed _____

☒ Other: Attached hereto is a copy of a European Search Report for European Patent Application No. 04255375.0, which is the European counterpart of the above-referenced patent application.

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEEs

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Avaya Inc. Deposit Account 50-1602.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Avaya Inc. Deposit Account 50-1602. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> Please charge Avaya Inc. Deposit Account 50-1602 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Avaya Inc. Deposit Account 50-1602.
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☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

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Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Douglas W. Swartz

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Date: April 9, 2005

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
				Application Number	10/676,659
				Filing Date	September 30, 2003
				First Named Inventor	CHAVEZ, David L.
				Art Unit	2665
				Examiner Name	VU, HUY DUY
Sheet	1	of	1	Attorney Docket Number	4366-157

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-kind Code ^{2 (if known)}	Publication Date MM-DD-YYYY	Name of Patentee of Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-2001-0055382 A1	12-27-2001	Oran et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ²	Number ³	Kind Code ^{3 (if known)}				
	2.	EP	-	1,250,023 A1	10-16-2002	Bos et al.		
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OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)		
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	3.	European Search Report for Application No. EP 04 25 5375 dated February 8, 2005.
	4.	L. Gavrilovska Bozinovski et al., "Fault-tolerant SIP-based call control system," <u>Electronic Letters</u> , Vol. 29, No. 2 (Jan. 23, 2003), pp. 254-256.

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference is considered, whether or not citation is in conformance and not considered. Include copy of this form with next communication to applicant.